IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Board of Patent Appeals and Interferences

Appellant:
Beka SOLOMON
Application No. 09/441,140
Filing Date: November 16, 1999
Appeal No: 2011-009879

Confirmation No: 3910
Attorney Docket No: SOLOMON1REI

RENEWED REQUEST FOR CONSOLIDATION OF ORAL HEARINGS

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. BOX 1450
Alexandria, Virginia 22313-1450

Sir:

On August 2, 2011, a Notice of Hearing was issued in this case, stating that an Oral Hearing was scheduled for September 13, 2011. On August 22, 2011, appellants filed a communication requesting a postponement of the hearing to allow consolidation of the hearings in two closely related appeals. It was pointed out that the present application is an application for reissue of U.S. Patent 5,688,651, and that a divisional reissue application, application no. 11/358,951, which is a divisional of the application presently on appeal, had also been filed and was also in the process of appeal. In view of the fact that many of the issues in the present appeal and in the appeal of the

divisional application are closely related, it was requested that the hearing scheduled for this case be postponed and reset some time shortly after the appeal in the divisional application 11/358,951 becomes docketed at the Board of Patent Appeals and Interferences, so that the Board can consolidate the oral hearings in both of the related reissue applications.

By Order of September 1, 2011, appellant's request was granted and the hearing was ordered to be rescheduled, with the understanding that no further request for postponement would be permitted.

On November 21, 2011, the appeal in the divisional application 11/358,951 was docketed at the Board of Patent Appeals and Interferences as Appeal No. 2012-002100. As both appeals were then within the jurisdiction of the Board, a Request for Consolidation of Oral Hearings was filed on November 22, 2011.

On December 29, 2011, Notices of Hearing were issued in both this case and in the appeal of the divisional, setting the date for the hearings in both cases on February 2, 2012.

On November 9, 2011, appellant had filed a petition in the present appeal requesting permission to file a supplemental reply brief. By decision of January 11,

2012, the petition was granted and the case remanded to the examiner for consideration of and response to the supplemental reply brief. By this decision, The Chief Administrative Patent Judge cancelled the "combined hearing," which had been scheduled for February 2, 2012, with a statement that it would be rescheduled at an appropriate time in the future.

On January 25, 2012, the examiner issued a communication stating that the supplemental reply brief had been considered and the application forwarded to the Board for decision on the appeal.

Accordingly, as both appeals are now within the jurisdiction of the Board and all papers have been entered and considered, appellant renews its request that the hearings in these two cases be combined or consolidated.

In view of the fact that no further postponements will be permitted, it is respectfully requested that the Board take into consideration the following travel schedule for the undersigned attorney in charge of both appeals. The undersigned will be out of town or otherwise unavailable for a hearing from March 22, 2012, through April 3, 2012, and on April 13, 2012. It is respectfully requested that the rescheduled, and, if this request is granted, combined oral

hearings be scheduled for a date other than those listed above.

Respectfully submitted,

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